

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**

**SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.**

**WRIT PETITION NO.2369 OF 2001**

**PETITIONER**

Ramprakash Singh Chouhan, S/o  
Ramvilas Singh, aged about 41 years,  
resident of Sukma, Tehsil Konta, District  
Dantewada (Chhattisgarh)

**versus**

**RESPONDENTS**

1. State of Chhattisgarh through the  
Secretary, Department of Forest,  
Mantralaya, D.K. Building, Raipur  
(Chhattisgarh)
2. Conservator of Forest, Jagdalpur Circle,  
Jagdalpur, District Bastar (Chhattisgarh)
3. Divisional Forest Officer, South Bastar  
Forest Division (General), Sukma,  
District Bastar (Chhattisgarh)

**Present :** Shri Rajeev Shrivastava, learned counsel for the petitioner.  
Shri N.K. Agrawal, learned Dy. A.G, for the State of CG.

**ORAL ORDER**  
**(Passed on 5<sup>th</sup> May, 2006)**

The petitioner was holding a licence of saw-mill under the provisions of Madhya Pradesh Kashth Chiran (Viniyaman) Adhiniyam, 1984 (for short "the Adhiniyam"). In the year 1997, he sought renewal of the licence, which was rejected by Divisional Forest Officer, South Bastar Forest Division (General), Sukma, District Bastar (Chhattisgarh), the 3<sup>rd</sup> respondent herein. Feeling aggrieved by the said rejection, the petitioner preferred an appeal to the Conservator of Forest, Jagdalpur Circle, Jagdalpur, District Bastar the 2<sup>nd</sup> respondent herein. That appeal was also dismissed. The respondents No. 2 and 3 refused to renew the licence on the ground that the area of operation of the saw-mill was proposed to be declared as prohibited area, in terms of Section 5(1) of the

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Adhiniyam and also on the ground that the Apex Court has prohibited felling of trees in the entire Bastar District. Hence, this writ petition.

(2) Heard learned counsel appearing for the parties. The reasons stated by the respondents 2 and 3 for refusing to renew the licence could not be faulted with and they are weighty and substantive and in accordance with law. However, learned counsel for the petitioner would submit that the period of prohibition expired and application of his client would be directed to be considered on merit for grant of licence. Whether the petitioner has subsequently made any application for grant of licence/renewal of licence is not clear from the documents laid before the Court. Therefore, while dismissing the writ petition, I direct that if application of the petitioner for grant of licence/renewal of licence is pending for consideration, the concerned respondent-authorities shall consider the same in accordance with law without much loss of time. No costs.

Sd/-  
Chief Justice